

ILLINOIS POLLUTION CONTROL BOARD

June 5, 2025

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| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 25-54 |
| |) | (Enforcement - Water) |
| MURPHY-BROWN LLC, a Delaware limited |) | |
| liability company, d/b/a SMITHFIELD HOG |) | |
| PRODUCTION, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER OF THE BOARD (by M. Gibson):

On April 1, 2025, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Murphy-Brown LLC, d/b/a Smithfield Hog Production (Murphy-Brown). The complaint concerns Murphy-Brown's concentrated animal feeding operation located at 2059 County Road 2400 E. in Mt. Erie, Wayne County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Murphy-Brown violated:

- Count I: Section 12(a) of the Act (415 ILCS 5/12(a) (2022)) by causing, threatening, or allowing the discharge of a contaminant into the environment so as to cause or tend to cause water pollution in Illinois;
- Count II: Section 12(d) of the Act (415 ILCS 5/12(d) (2022)) by depositing contaminants upon the land in such a place and manner so as to create a water pollution hazard;
- Count III: Section 12(f) of the Act (415 ILCS 5/12(f) (2022)) and Section 502.101(a) of the Board's agriculture related pollution rules (35 Ill. Adm. Code 502.101(a)) by causing, threatening, or allowing the discharge of contaminants from a concentrated animal feeding operation (CAFO) to waters of the State without a valid National Pollutant Discharge Elimination System (NPDES) permit;
- Count IV: Section 12(a) of the Act (415 ILCS 5/12(a) (2022)) and Sections 302.203 and 304.105 of the Board's water pollution rules (35 Ill. Adm. Code 302.203, 304.105) by causing or allowing the discharge of an effluent into a water of the State resulting in unnatural odor, color, and turbidity; and

Count V: Section 12(a) of the Act (415 ILCS 5/12(a) (2022)) and Sections 501.401(e), 501.405(a), and 502.645(b) of the Board's agriculture related pollution rules (35 Ill. Adm. Code 501.401(e), 501.405(a), 502.645(b)) by applying livestock waste so as to exceed the practical limit of the soil and by applying it within 200 feet of surface water.

On April 1, 2025, the People and Murphy-Brown filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Wayne County Press* on April 21, 2025. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Murphy-Brown's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2022)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Murphy-Brown does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2022)), which may mitigate or aggravate the civil penalty amount.

Under the proposed settlement, Murphy-Brown agrees to pay a civil penalty of \$80,000 within 30 days after the date of this order. In addition, Murphy-Brown must cooperate with the Illinois Environmental Protection Agency (IEPA) and take all actions required by IEPA to provide a complete application for the General NPDES Permit for Concentrated Animal Feeding Operations and on issuance of a general or individual permit must comply with its terms. Murphy-Brown must also keep a copy of its Nutrient Management Plan at its facility office and provide yearly training to its employees on the Nutrient Management Plan. The People and Murphy-Brown have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.

2. Murphy-Brown must pay a civil penalty of \$80,000 no later than Monday, July 7, 2025, which is the first business day following the 30th day after the date of this order. Murphy-Brown must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
3. Murphy-Brown must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Murphy-Brown must send a copy of the certified check or money order and any transmittal letter to:

Kevin D. Barnai, Assistant Attorney General
Illinois Attorney General's Officer
Environmental Bureau South
500 South Second Street
Springfield, Illinois 62701

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).
5. Murphy-Brown must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint. In addition, Murphy-Brown must cooperate with the Illinois Environmental Protection Agency (IEPA) and take all actions required by IEPA to provide a complete application for the General NPDES Permit for Concentrated Animal Feeding Operations and on issuance of a general or individual permit must comply with its terms. Murphy-Brown must also keep a copy of its Nutrient Management Plan at its facility office and provide yearly training to its employees on the Nutrient Management Plan.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The

Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

| Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court | |
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| Parties | Board |
| Illinois Attorney General's Office Attn.: Kevin D. Barnai Asst. Atty. General Environmental Bureau 500 South Second Street Springfield, Illinois 62706 kevin.barnai@ilag.gov | Illinois Pollution Control Board Attn.: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov |
| Murphy-Brown, d/b/a Smithfield Hog Production Attn.: Darin Waylett Associate General Counsel - Environmental Smithfield Foods 200 Commerce Street Smithfield, Virginia 23430 DWaylett@smithfield.com | |
| Murphy-Brown, d/b/a Smithfield Hog Production Attn.: Blake Boxley Director of Environmental Health & Safety Smithfield Foods 17999 Highway 65 Princeton, Missouri 64673 bboxley@smithfield.com | |

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 5, 2025, by a vote of 5-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board